

U.S.S.N. 09/415,781
Filed: October 8, 1999
RESPONSE TO OFFICE ACTION

Remarks

Claims 1-25 are pending. Claim 23 stands allowed, and claims 3 and 12 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 1, 2, 4-11, 13-22, 24, and 25 stand rejected.

Applicants thank the examiner for withdrawal of the objection to the specification and for withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

I. Indication of Provisional Double Patenting Rejection

Applicants are prepared to file a terminal disclaimer if and when an appropriate obviousness-type double patenting rejection is made, where a *prima facie* case of obviousness-type double patenting has been made based on a reasoned comparison of the claims. For the examiner's information, Application No. 09/415,466 has been allowed and the issue fee paid.

II. Rejection under 35 U.S.C. § 102

Claims 1, 2, 4-11, 13-22, 24, and 25 were rejected under 35 U.S.C. § 102(e) as disclosed by U.S. Patent No. 6,291,094 to Yoshimura (hereinafter "Yoshimura"). Applicants respectfully traverse the rejection.

Each of the rejections relies on Yoshimura, which has an effective prior art date, under 35 U.S.C. § 102(e), of May 3, 1999. As demonstrated and detailed in the attached Declaration under 37 C.F.R. § 1.131, the applicants invented the claimed subject matter earlier than May 3, 1999. Accordingly, the rejections cannot stand and should be withdrawn.

FROM SUTHERLAND ASBILL & BRENNAN LLP

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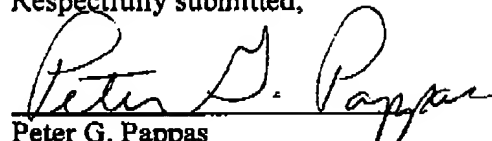
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Allowance of claims 1-25 is therefore respectfully solicited.

Respectfully submitted,



Peter G. Pappas

Reg. No. 33,205

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SUTHERLAND ASBILL & BRENNAN LLP

999 Peachtree Street, NE

Atlanta, Georgia 30309-3996

(404) 853-8068

(404) 853-8806 (fax)

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